IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

WP(C).No. 7615 of 2007(F)

PETITIONER:

P.V.JOSE, FORMAN,
INDIAN OIL CORPORATION, L.P.G.BOTTLING PLANT,
UDAYAMPEROOR, KOCHI.

BY ADV. SMT.K.V.BHADRA KUMARI
SMT.ANILA GEORGE

RESPONDENTS:

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1. DEPUTY GENERAL MANAGER (HR),
INDIAN OIL CORPORATION LTD.,
MARKETING DIVISION, SOUTHERN REGION,
INDIAN OIL BHAVAN, 139, NUNGUMBAKKAM HIGH ROAD,
CHENNAI.

2. DEPUTY GENERAL MANAGER,
INDIAN OIL CORPORATION, KERALA STATE OFFICE,
PANAMPILLY NAGAR.

3. GENERAL MANAGER,
INDIAN OIL CORPORATION, KERALA STATE OFFICE,
PANAMPILLY NAGAR.

4. SENIOR PLANT MANAGER,
INDIAN OIL CORPORATION, L.P.G.BOTTLING PLANT,
UDAYAMPEROOR, KOCHI.

5. INDIAN OIL CORPORATION,
REPRESENTED BY ITS GENERAL MANAGER,
HEAD OFFICE AT BOMBAY.

BY ADV.SRI.A.C.JAYASANKAR NAMBIAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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through Ext.P4 communication that the date of birth cannot be altered. It was pointed out by his employer that in the certificates produced by him along with his application form and other documents, the petitioner had shown his date of birth as May 3, 1947.

4. Petitioner did not give up his fight. He obtained a declaration from the Divisional Magistrate stating that his date of birth was May 3, 1949. Later the Secretary and Registrar of Birth and Death, Kuzhur Grama Panchayat issued Ext.P6 certificate. Though the petitioner approached his employer again armed with the above certificate, his request for necessary correction in the service records was again turned down. Petitioner was thereafter served with Ext.P7 communication informing him to furnish the necessary details to enable his employer to release to him his retiral benefits. In the said document, petitioner was informed that he was due to retire on May 31, 2007.

5. It is contended by the petitioner that the respondents were not justified in refusing to carry out necessary correction in the service records. If only the respondents had made necessary correction in the service records, he could have continued in service for 2 more years till May 31, 2009.

6. I am afraid the contention raised by the petitioner is totally untenable and misconceived. As rightly noticed by the respondents, the petitioner had joined service after furnishing a declaration that he was born on May 31, 1947. He had produced the school certificate also. It is the admitted position that he entered service of the Corporation in July 1972. It is true that he made his first attempt for correction of date

of birth in the year 1994. But still this attempt was made only after 22 years from the date of his entry in service. The said request was turned by his employer in 1995 as revealed from Ext.P4. Petitioner managed to get Exts.P5 and P6 certificates on the eve of his retirement in February 2007. It is on the strength of the said certificates that the petitioner had made his last attempt to obtain an extended period of service.

7. Having regard to the entire facts and circumstances, particularly in view of a catena of decisions of not only of their Lordships of the Supreme Court but also of this Court, the contention raised by the petitioner cannot be accepted.

8. In ***State of Gujarat*** v. ***Vali Mohmed Dosabhai Sindhi*** (JT 2006 (6) SC 468) their Lordships had alerted the courts to be slow in granting reliefs to such employees who come with a request for correction of date of birth at the fag end of their career.

9. There is no merit in the contentions raised by the petitioner.

The writ petition is wholly without any merit. Therefore it is dismissed.

A.K. Basheer

Judge.

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